

Canby Planning Commission  
Regular Meeting  
March 28, 1988

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Lindsay, Nicholson, Schrader and Harmon (Arrived late 8:15 p.m. and took a seat in the audience.)

COMMISSIONER ABSENT: Commissioner Seale

OTHERS PRESENT: City Administrator Stephan Lashbrook, Secretary Virginia Shirley, Mr. and Mrs. McKnight and Councilman Mike Jordan.

The meeting was called to order by Vice Chairman Kurt Schrader and while going through the minutes, Chairman Kahut arrived. The corrections, as requested, were made to the minutes and they were approved as corrected.

Findings of Fact/Regan Zone Change: Commissioner Schrader moved to approve the findings of fact for a zone change from R-1, Low Density Residential, to R-1.5, Intermediate Density, on part of Tax Lot 600, Section 4A, T3S, R1E. The motion was seconded by Commissioner Lindsay and passed unanimously with the Chairman voting.

Item No.1: Request for a parking variance for a photography studio located in a dwelling on property described as Tax Lot 8300, Section 33CA, T3S, R1E, and located in the northwest corner of N.W. Third Avenue and N. Ivy Street. The applicant is Lawrence W. McKnight. City Administrator Lashbrook gave the staff report and explained that Mr. McKnight would need two parking spaces for office use plus two parking spaces for the dwelling unit. During the staff report he also spoke of the sidewalk and the need to repair it at this time, rather than replace the sidewalk. Mr. Lashbrook stated that the conditions of the staff report of March 24 and the Public Works Director's March 28, should both become conditions of approval. Commissioner Schrader was unsure whether a use permit or an occupancy permit was required. Mr. Lashbrook explained that both the use and occupancy of the residence were outright permitted uses, however Mr. McKnight due to not having any frontage on the alley, could not get the required amount of parking and was therefore requesting a parking variance. Commissioner McKibbin asked if N. Ivy Street is improved if he could get the parking there. Mr. Lashbrook stated no as that would be classified as on-street parking. Commissioner Lindsay asked if there had been a business at this location. Mr. Lashbrook stated that it has been used only as a residence to the best of his knowledge. Commissioner Lindsay asked if N. Ivy was only an arterial to N.W. Third Avenue. Mr. Lashbrook looked at the street circulation map and stated that Commissioner Lindsay was right. Commissioner Lindsay then asked if, since this property is on the north side of N.W. Third Avenue, if N. Ivy was a collector at that location. Mr. Lashbrook said he was correct.

There being no further questions, Chairman Kahut asked the applicant for his presentation.

Lawrence McKnight, 112 N.W. Third Avenue, addressed the standards and criteria for approving a variance by stating that his home is situated in the middle of a small lot located in the C-1 zone. Mr. McKnight expressed his hope to eventually expand the commercial use of the property and move his residence to another location. He further stated that presently his business is parking in the front. Mr. McKnight went on to say that in his opinion code compliance would actually damage the appearance of the property. He expressed the opinion that his request supports the comprehensive plan by downtown development and noted the petition in the file which had been signed by his neighbors giving their support. Mr. McKnight stated that where he has put in a gravel parking area he would pave, although it is a possible hazard from vision obstruction for vehicles going west on N.W. Third. He stated that his photography operation is by appointment only. And, finally, that the conditions were present prior to his arrival. Mr. McKnight requested the Planning Commission give an exception to the sidewalk on N. Ivy as the sidewalk would probably be taken out when improvements were made to N. Ivy Street. He will upgrade the N.W. Third Avenue sidewalk as soon as income allows.

Commissioner Lindsay asked Mr. McKnight what type of photography he did. Mr. McKnight stated that he was doing contract photography and only occasionally did he actually take photos. Commissioner Lindsay asked how much area of the house was used for photography. Mr. McKnight stated that it was an area 11' x 13'.

Commissioner Schrader asked what happens if he upgrades this to a fulltime business within the next year to five years. City Administrator Lashbrook stated that it would be based on square footage of the building dedicated to the business. Commissioner Lindsay asked the applicant if it was possible to drive around the house - enter on one street and exit on the other. Mr. McKnight stated that it would require closing and sealing up the back access to the basement. This Mr. McKnight felt would be against fire access rules. Some discussion regarding the location of the two spaces for parking and the ability to add more spaces.

The Chairman called for a ten minute recess to allow the Commission a first-hand look at the parking problem. An on-site investigation was convincing that additional spaces could not be added.

Chairman Kahut opened the public hearing portion of the meeting and called for proponents. Mr. McKnight stood. There being no further proponents, the Chairman called for opponents. There being no opponents, Chairman Kahut closed the public hearing portion of the meeting.

Commissioner McKibbin stated that sidewalks should be required prior to issuance of a business license. Mr. Lashbrook stated that N. Ivy improvements would probably be handled with a long-term local improvement district. Commissioner McKibbin stated that he wanted assurance that sidewalks will be put in along N. Ivy Street. Mr. Lashbrook stated that if he made \$20,000 worth of improvements he would be forced to put in sidewalks.

Commissioner Schrader asked if some words to the effect that when the business exceeds a certain percent they should come back before the Commission for reconsideration of parking and other street, sidewalk and curb improvements. Commissioner Nicholson asked how this would be monitored. Commissioner Lindsay asked if a condition to review this variance, if granted, in one year. Mr. Lashbrook stated that was possible. However, if the Commission wants to go that way, staff would ask that the Commission establish the context of that review. The Commission would need to establish the criteria for review, because if things have changed, what will the Commission's action be. Commissioner Schrader asked if the Commission should put a time limit on the variance, stating when it should be reviewed. Mr. Lashbrook stated that the staff would still need to have the criteria for a review. if this were to be done. Commissioner Lindsay asked the applicant if he were doing any dark-room work. Mr. McKnight stated that he was not, but eventually he expects to do this type of work. Commissioner Lindsay stated that the growth potential for this business could be very rapid, it is that type of business. A rapid growth could cause him to move sooner than expected. Commissioner Lindsay stated that he was familiar with this type of business, and knew just how fast it could grow. Chairman Kahut stated that he didn't think it would be in the best interest of the City to put a six foot wide, or eight foot wide, sidewalk in on N. Ivy and butt that up against another residence, which is currently C-1, and then the Bettis Building and Dr. Hagler, who doesn't have eight-foot sidewalks.

City Administrator Lashbrook stated that he has difficulty figuring out the criteria for a review, if this is necessary. Commissioner Schrader stated that the staff was aware of the conditions the Commission is concerned about. Mr. Lashbrook stated that he wasn't sure he did know the Commission's real concerns. He went on to say that if the Commission is concerned about the \$20,000 improvements in one year was their concern, they should talk to the Council about changing the dollar figure, but if your concern is with when the house ceases to be used as a residence and it's in commercial use, is that when the Commission will want a review or when there is other development in the block, when is the review supposed to take place. Commissioner McKibbin stated that is should occur either when there is street improvement or the applicant no longer occupies the residence. This should occur when it becomes a fulltime business. Mr. Lashbrook stated that the Commission could condition the variance for this property and this situation as a residence/business use, and the variance review process conducted again when this property became entirely commercial use, and that no application be required at that time.

Commissioner Schrader assured the applicant the Commission was not asking for the sidewalk and curb to be completely improved to City standards, the Commission is requesting that the sidewalk be put in better repair.

Commissioner Lindsay asked what the solution to backing out onto the street. Mr. Lashbrook stated that even if the applicant's entire yard was blacktopped, the cars would still have to back onto the street.

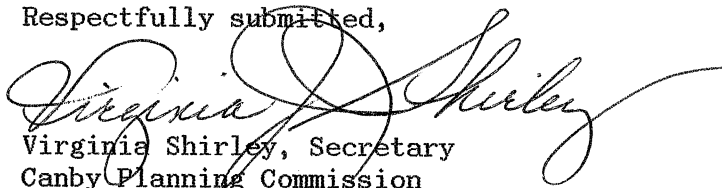
Chairman Kahut mentioned that you would then lose the parking that you have on the street, so nothing would be gained. Commissioner Lindsay stated that since he is going to use the two spaces he is creating on N.W. Third for their private parking, backing out of the two parking spaces should be no different than backing out of angle parking, and with a little bit of patching the sidewalk would be usable.

Commissioner Schrader moved to approve a parking variance for Lawrence McKnight to allow for a small home occupation business in his residence as he has met the standards and criteria for the granting of a variance. The exceptional or extraordinary circumstances that apply to his property are the small lot with the house in the middle and he cannot meet the parking requirements; the variance is necessary to assure the applicant the same property rights as those in the area; the variance does not materially detrimental to the intent or purposes of the Comprehensive Plan - clearly the intent of the downtown area to be included (those not having an alleyway) in the exemption from our off-street parking; the variance is the minimum variance required to elevate the hardship; the unique conditions were not the result of the applicant since he just purchased the property in 1986. This approval is subject to the following conditions: 1) The existing gravel driveway is to be fully paved; 2) The applicant is to repair broken segments of the existing sidewalk and connect the two sidewalk sections to the satisfaction of the City Public Works Director; 3) The applicant is to provide the City with an easement for future sidewalk construction along N. Ivy Street. The form and wording of this easement is to meet the requirements of the City Public Works Director. 4) The applicant is to prepare and record, at no expense to the City, a waiver of the right to remonstrate against the formation of a local improvement district for future street, sidewalk, curb or utility improvements along either N. Ivy or N.W. Third Avenue. The form and wording of this waiver is to meet the approval of the City Attorney. 5) At such time as the property undergoes a conversion to commercial use, with no residential occupancy remaining, the applicant is to return for a new review by the Planning Commission. The motion was seconded by Commissioner Lindsay as passed unanimously with the Chairman voting.

The meeting was adjourned at 9:30 p.m. and the Commission went into a solar access workshop.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia Shirley, Secretary  
Canby Planning Commission